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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,210	09/10/2001	Trevor Wright	36-1473	2424
23117	7590	06/07/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				CHAI, LONGBIT
		ART UNIT		PAPER NUMBER
		2131		

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/936,210	WRIGHT ET AL.
	Examiner Longbit Chai	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 1 – 6 have been presented for examination. Claims 1 – 6 have been amended in an amendment filed 5/9/2005.

Response to Arguments

2. Applicant's arguments filed on 5/9/2005 with respect to the subject matter of the instant claims have been fully considered but are not persuasive.
3. As per claim 1 (and related claims), Applicant argues: "Yohe does not disclose deny client access to a requested computer file if the digital signature associated with that file is invalid". Examiner notes Applicant's arguments have been fully considered but are not persuasive. Yohe teaches sending back, always, a bad response if the digital signature associated with that file is invalid regardless the data file is locked or not upon the file request (i.e. sending back a bad response alone if the data file status is unlocked or sending back a bad response along with requested file if the data file is unlocked) (Yohe: Figure 2 Element 24 & 54, Column 6 Line 23 – 27 and Column 6 Line 36 – 38). According to DICTIONARY.com, "deny" is interpreted as "to declare untrue" and therefore Yohe does teach "deny client access to a requested computer file if the digital signature associated with that file is invalid" because the "bad response" associated with a requested file status as taught by Yohe is indeed equivalent to declare the file status to be "untrue" or "virtually inaccessible" due to the invalid file signature.

4. Applicant further argues: "Yohe does not use digital signature as that term is normally understood by those in the art". Examiner notes the hash result (64-bit CRC) of a file as taught by Yohe is indeed a data / digital signature for the purpose of file integrity check (Yohe: Column 11 Line 56 – 58). Applicant's argument has no merit since what exactly constitutes digital signature of a file as alleged limitation has not been incorporated into the claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yohe (Patent Number: 5835943), hereinafter referred to as Yohe.

As per claim 1, 4 and 5, Yohe teaches a server computer comprising:
means arranged to store one or more computer files (Yohe: see for example, Figure 2 Element 80);

means arranged to store at least one digital signature (Yohe: see for example, Figure 2 Element 14 & 42);

each computer file having an associated digital signature (Yohe: see for example, Column 6 Line 23 – 26);

means arranged to receive a request from at least one other computer for access to at least one computer file stores an said server computer (Yohe: see for example, Figure 2 Element 16);

means arranged to retrieve said at least one requested computer file (Yohe: see for example, Figure 2 Element 18);

means arranged to retrieve the digital signature or signatures associated with said at least one equested computer file (Yohe: see for example, Figure 2 Element 14);

means arranged to validate the digital signature associated with said at least one requested computer file (Yohe: see for example, Figure 2 Element 54); and

means arranged to deny said other computer access to the or each requested computer file if the digital signature or signatures associated with the or each respective requested computer file is invalid (Yohe: see for example, Figure 2 Element 24 & 54, Column 6 Line 23 – 27, Column 6 Line 36 – 38 and Column 5 Line 33 – 35).

As per claim 6, Yohe teaches the claimed invention as described above (see claim 1). Yohe further teaches medium embodying computer readable: Code for loading into a computer and executable by said computer to perform the method according to claim 5 (Yohe: see for example, Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yohe (Patent Number: 5835943), hereinafter referred to as Yohe, in view of Atkinson (Patent Number: US 6367012 B1), hereinafter referred to as Atkinson.

As per claim 2, Yohe teaches the claimed invention as described above (see claim 1). Yohe does not disclose expressly means arranged to store a list of approved computer file signing parties; each computer file signing party having at least one associated signing key with which to create digital signatures.

Atkinson teaches means arranged to store a list of approved computer file signing parties; each computer file signing party having at least one associated signing key with which to create digital signatures (Atkinson: see for example, Figure 4 Element 124 & 126 and Figure 6) & (Yohe: see for example, Column 6 Line 23 – 27 and Column 6 Line 36 – 38).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Atkinson within the system of Yohe

because Atkinson teaches providing the software recipient with a concise and simple assurance of the authenticity of the files (Atkinson: see for example, Column 3 Line 47 – 49).

Therefore, Yohe as modified teaches Atkinson teaches means arranged to store a list of approved computer file signing parties; each computer file signing party having at least one associated signing key with which to create digital signatures; and in which said means arranged to validate the digital signature associated with each requested computer file invalidates said digital signature if said digital signature was created with a signing key not associated with an approved computer file signing party (Atkinson: see for example, Figure 4 Element 124 & 126 and Figure 6) & (Yohe: see for example, Column 6 Line 23 – 27 and Column 6 Line 36 – 38).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yohe (Patent Number: 5835943), hereinafter referred to as Yohe, in view of Farber (Patent Number: 5978791), hereinafter referred to as Farber.

As per claim 3, Yohe teaches the claimed invention as described above (see claim 1). Yohe does not disclose expressly means each computer file stored on said server computer has an associated expiry date; such that: said means arranged to validate the digital signature or signatures associated with the: or each requested computer file invalidates said digital signature if the current clock date is later than the expiry date associated with each computer file.

Farber teaches means each computer file stored on said server computer has an associated expiry date; such that: said means arranged to validate the digital signature associated with the: or each requested computer file invalidates said digital signature if the current clock date is later than the expiry date associated with the or each computer file (Farber, see for example, Column 9 Line 36 and Column 9 Line 57 – 58 & Column 30 Line 28 – 36).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Farber within the system of Yohe because Farber teaches assuring the file expiration after the effective time period of the file expiration date so that the security can be greatly enhanced (Farber: see for example, Column 30 Line 28 – 36).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai
Examiner
Art Unit 2131


LBC


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100